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EXAMINER

UNDERWOOD, DONALD W

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/040375

Applicant(s)

Friedman et al

Examiner

Underwood

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- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07/09/03
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-17, 19-30, 32-42 is/are rejected.
- 7) ☒ Claim(s) 12 & 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### Detailed Action

1. Claims 1-10 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.
2. The drawing is objected to under 37 CFR 1.83(a) as failing to show and label solenoid (claim 19), sealing channel (claims 25, 40), solenoid driven clamp (claims 26, 41) and electrostatic charge structure (claims 27, 42). At best a sketch of any proposed drawing change must be files for review. The introduction of new matter should be guarded against.
3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
4. Claims 13-15, 17, 19, 20, 21, 22, 24, 25, 26, 27, 36, 37, 40, 41 and 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

It is unclear how the seal and land can be positioned on opposite sides of the plate and the land hold a reticle against the seal. Clarification is required.

It is unclear how the locking device is constructed to lock the reticle plate against the mounting plate.

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It is unclear how the seal is constructed to break.

It is unclear how the bracket is constructed to be capable of rotation at a 30 degree and 40 degree angle, i.e. what structure comprises the dual offset.

It is unclear how the sealing channel is constructed.

It is unclear how the solenoid holds the reticle.

It is unclear what structure provides the electrostatic charge to hold the reticle.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 13-15, 17, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32 and 35-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 13, this claim appears inaccurate. The seals and lands are on the same side since the lands hold the reticle against the seals. See applicants' figure

5.

Regarding claims 21 and 36, it is unclear what structure is provided by the phrase "capable of breaking". Clarification is required.

Regarding claims 22, 23, 37 and 38, these claims set forth desired results but not the structure to provide the result and are thus incomplete.

Regarding claim 26 and 27, the clamp and charge in the claims should be correlated with a mounting device in claim 11.

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Regarding claim 29, "at least one vacuuming means" should be correlated with "means for attaching" in claim 28.

Regarding claim 30, "the means for allowing" must be positively correlated with the means for coupling in claim 28. While 35 USC 112 sixth paragraph permits a means plus function format, 35 USC 112 require the elements be correlated to define an operative device. Note claim 31 does this.

Regarding claim 32, "a means for connecting" should be correlated with "a means for coupling" in claim 28.

Regarding claim 39, "at least one vacuuming source means" lacks a clear antecedent basis.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 11 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Somekh et al.

Note reticle plate 40, mounting plate 18 and surfaces 54' and 56' which mount the reticle to the plate. Also note the proximal end of 18 comprises a bracket.

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The top of the reticle plate 40 in Somekh is a seal as broadly claimed by applicants.

10. Claims 11, 12, 13, 16, 17, 21, 24, 25, 28, 29, 32, 33, 34, 36, 39 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang.

Note reticle plate 415, mounting plate 410 and the proximal end of 410 which forms a bracket. Note applicants' claims do not define over the connection between 415 and 410.

Regarding claim 17, note Wang has several vacuum ports.

Regarding claims 21 and 36, the top surface of 410 in Wang is a seal as broadly claimed by applicants.

Regarding claims 24 and 39, note 450 in Wang.

Regarding claims 25 and 40, note 410 comprises an air passage.

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 23 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of the following comments.

It would have been obvious to use any suitable material for the reticle plate, including aluminum. See the specification, page 7, lines 3-7.

14. Claims 26, 27, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Somekh et al and Wang in view of the following comments.

It would have been obvious to substitute any conventional structure for the vacuum means in Wang including clamps or electrostatic means. The examiner takes judicial notice that clamps and electrostatic charges are equivalents of vacuum means for securing a reticle.

15. Claims 18 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. Any inquiry concerning this communication should be directed to D. Underwood at telephone number (703) 308-1113.

Underwood/kn  
August 25, 2003

*Donald W. Underwood* 08/02/03  
DONALD W. UNDERWOOD  
PRIMARY EXAMINER